



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

Refer to:
OSB1997-0870

October 01, 1997

Lillie Hikida
Acting District Manager
Coos Bay BLM District
1300 Airport Lane
North Bend, Oregon 97459

Re: ESA section 7 consultation on FY98 proposed actions on
the Coos Bay BLM District, Umpqua River Basin

Dear Ms. Hikida:

This letter presents National Marine Fisheries Service's (NMFS) biological opinion, pursuant to Section 7(b) of the Endangered Species Act (ESA), that the effects of the Coos Bay Bureau of Land Management (BLM) actions listed in Table 1 below, together with cumulative effects and the effects of the environmental baseline, are not likely to jeopardize the continued existence of listed, proposed, and candidate salmonid species. These actions include timber harvest, road construction associated with timber sales, emergency repair of federally-owned roads (ERFO), culvert replacement, and noxious weed control. This letter also authorizes incidental take associated with the subject actions. In making these determinations NMFS applies the methodology described in the NMFS document entitled "Application of Endangered Species Act Standards to: Umpqua River Cutthroat Trout, Oregon Coast Coho Salmon, . . . Oregon Coast Steelhead . . . For Federal Land Management Conferences and Consultations," February 1997. A copy of this document is Attachment 1 to this letter.

The Resource Management Plan for the Coos Bay BLM District, along with management plans for other Oregon coastal BLM Districts and National Forests, was recently the subject of a formal programmatic ESA consultation that was concluded when NMFS issued its Biological Opinion and Conference Opinion concerning the effects of their implementation on these same species, dated March 18, 1997. That opinion provides an



important basis for many of NMFS' determinations documented by this letter. Hereafter that programmatic opinion is referred to as the LRMP/RMP Opinion. The Umpqua Basin Level 1 team met in Roseburg, Oregon, on July 10, 1997, and discussed the proposed timber sales and other actions listed in Table 1 below. The team, on which NMFS participates, agreed with the BLM District's determination that, in the short term some of these actions were likely to adversely affect listed salmonids, but that, in the long term, they were consistent with the LRMP/RMP Opinion and the Aquatic Conservation Strategy as proposed. The BLM then finalized its biological assessment (BA) on September 4, 1997.

The BA submitted by the Coos Bay BLM District for the actions covered by this letter describes the environmental baseline and effects of the actions on the Coos Bay BLM District that may affect listed Umpqua River (UR) cutthroat trout. This BA was received by NMFS on September 8, 1997. Some of the actions listed in the BA were determined to "may affect, and likely to adversely affect" (LAA) UR cutthroat trout, and others were determined to "may affect, not likely to adversely affect" (NLAA) this species. The LAA actions are listed below in Table 1 and are the subject of this opinion. The NLAA actions (road decommissioning and ERFO projects) were covered programmatically in a previous (June 5, 1997) concurrence letter from NMFS. The Coos Bay BLM District also requested conferencing on the effects of the subject actions on Oregon Coast (OC) steelhead trout. This letter is also a conference opinion with respect to that species, as provided for in 50 CFR. § 402.10(d). The letter which accompanied the BA stated, and NMFS concurs, that all effects determinations are the same for the two species.

Biological Requirements, Proposed Critical Habitat, Environmental Baseline, and Cumulative Effects

The UR cutthroat trout (*Oncorhynchus clarki clarki*) was listed as endangered under the ESA by the NMFS (August 9, 1996, 61 FR 41514). The OC coho salmon (*O. kisutch*) and OC steelhead trout (*O. mykiss*) Evolutionarily Significant Units (ESUs) were proposed as threatened under the ESA by NMFS (July 25, 1995, 60 FR 38011 and August 9, 1996, 61 FR 41541). The OC coho salmon ESU was reclassified as a candidate for listing under ESA by NMFS (May 6, 1997, 62 FR 24588). The NMFS has proposed critical habitat for UR cutthroat trout (July 30, 1997, 62 FR

40786). The proposed actions are located within proposed critical habitat for UR cutthroat trout.

The biological requirements of each of these ESUs are discussed in the LRMP/RMP opinion, NMFS (1997b). Environmental baseline conditions in the Umpqua Basin are discussed on pages 12-15 of NMFS (1997b). Cumulative effects as defined under 50 CFR 402.02 are discussed for the Umpqua Basin on pages 41-43 of NMFS (1997b). These respective analyses are incorporated herein by this reference. NMFS is not aware of any newly available information that would materially change these previous analyses of biological requirements, environmental baseline or cumulative effects for the purpose of this opinion.

Site-specific environmental baseline descriptions and effects determinations were done by Coos Bay BLM personnel for each individual action covered by the BA, the documentation for which is included in the BA and hereby incorporated into this opinion by reference. These site-specific environmental baseline descriptions and effects determinations were concurred with by NMFS, and considered by NMFS in addition to the broad scale analysis done for the LRMP/RMP Opinion described above.

Proposed Actions

Timber Harvest. The Coos Bay BLM District proposes regeneration harvest for all harvest units in the Sagaberd Timber Sale. This 215-acre sale would be located in the mainstem Umpqua watershed. Approximately 0.75 mile of new semi-permanent road would be built; all of which is located on ridgetops. No timber harvest would occur within Riparian Reserves in this sale. Helicopter harvest methods would be used on 80 acres, while cable methods would be used on the other 135 acres.

Regeneration harvest is proposed for all units of the 90-acre Cedar House Timber Sale. This sale is also located in the mainstem Umpqua watershed. No new roads would be built and no timber harvest would occur in Riparian Reserves. Helicopter harvest methods would be used on 69 acres and cable methods on 21 acres.

Miscellaneous Land Management Actions. In addition to timber harvest, the Coos Bay BLM District proposes culvert replacement upgrades and noxious weed control projects at several locations in the mainstem Umpqua and Smith River watersheds. The noxious weed control is proposed by aerial application of herbicides at selected locations. Emergency repair of Federally-owned road (ERFO) projects are proposed in the mainstem Umpqua watershed.

Effects of the Actions

Timber Harvest. The effects of each of the timber sales on the salmonid stocks and their habitat are presented in the BA prepared by the Coos Bay BLM District and reviewed by the Level 1 team on which NMFS was represented. NMFS finds those descriptions to be adequate for this analysis and as part of the basis for the determinations of this letter. Additionally, a detailed discussion of the potential effects of timber harvest and associated activities on salmonid habitat is presented in the NMFS document entitled "Potential Effects of Timber Harvest and Associated Activities on Salmonid Habitat and Measures to Minimize Those Effects" (hereinafter referred to as "NMFS 1997a"). A copy of the document is Attachment 2 to this letter and is incorporated herein by this reference. Similarly, a general discussion of the potential effects of associated road construction on salmonids and their habitat is provided in LRMP/RMP biological opinion, NMFS (1997b). NMFS has considered the applicability of these analyses to each of the timber sales identified in the BA and in this letter. The NMFS is not aware of any other special characteristics of the particular sales that would cause greater or materially different effects on the subject salmonid species and their habitat than is discussed in these references. Similarly, NMFS is not aware of any newly available information that would materially change these previous effects analyses. Miscellaneous Land Management Actions. The potential effects of culvert replacement upgrades are discussed on pages 30-31 of the LRMP/RMP Opinion. The NMFS is not aware of any other special characteristics of the particular culvert replacements considered in this letter that would cause greater or materially different effects on the subject salmonid species and their habitat than is discussed in these references. Similarly, NMFS is not aware of any newly available information that would materially change these previous effects analyses.

The potential effects of the proposed noxious weed control program on the aquatic environment are described in the BA and in the August, 1997 Environmental Assessment (EA) for the project. Mitigation measures to minimize or avoid those effects are listed in the EA. The NMFS finds those descriptions to be adequate for this analysis and as part of the basis for the determinations of this letter. Adverse effects to aquatic habitat from proposed noxious weed control actions are expected to be minor and short-lived because the actions have been designed and mitigated in accordance with the Northwest Forest Plan Aquatic Conservation Strategy objectives and standards and guidelines.

The effects of the proposed ERFO projects in the mainstem Umpqua watershed are described in the BA. The NMFS finds those descriptions to be adequate for this analysis and as part of the basis for the determinations of this letter. Adverse effects to aquatic habitat from proposed ERFO projects are expected to be minor and short-lived because the actions have been designed and mitigated in accordance with the Northwest Forest Plan Aquatic Conservation Strategy objectives and standards and guidelines.

The NMFS expects that Aquatic Conservation Strategy (ACS) objectives that may be affected by the subject actions will be met for the following reasons: 1) the limited amount of semi-permanent road proposed for construction in the Sagaberd Timber Sale area will be located on ridgetops; 2) no timber harvest would occur in Riparian Reserves; 3) culvert replacement upgrades would improve fish passage; 4) mitigation measures implemented in ERFO projects will minimize short-term sediment input to streams and decrease potential long-term sediment input; and, 5) mitigation measures listed in the noxious weed control EA are expected to avoid or minimize any adverse effects to the aquatic environment. Despite the minor, short-term adverse effects, these actions are expected to maintain or restore essential salmonid habitat functions, and will not impede recovery of salmonid habitat, a long-term goal of the Northwest Forest Plan.

Conclusion. NMFS concludes that, when the effects of these proposed site specific actions are added to the environmental baseline and cumulative effects occurring in the relevant action areas, they are not likely to jeopardize the continued existence of UR cutthroat trout or OC steelhead trout. In reaching this conclusion NMFS has utilized the best scientific

and commercial data available as documented herein and by the BA and documents incorporated by reference.

Incidental Take Statement

Effects resulting from road construction (e.g. sedimentation) are expected to be the primary source of incidental take associated with the proposed actions listed in Table 1 below and covered by this Opinion. Because of the limited amount of new road construction, location of the roads, and the fact that the proposed roads are semi-permanent and will be decommissioned, sediment impacts are expected to be minimized. The NMFS expects that the incidental take associated with the other effects (discussed in NMFS 1997a, Attachment 2) of the subject timber sales will also be minimal. Culvert replacement upgrades, although possibly resulting in short-term sediment pulses during replacement, are expected to have long-term beneficial effects because of improvements in fish passage.

The NMFS expects that the incidental take associated with other timber harvest effects (discussed in Attachment 2) of the subject timber sales and other proposed actions listed in Table 1 will also be minimal.

Adverse effects of management actions such as these are largely unquantifiable in the short term, and may not be measurable as long-term effects on the species' habitat or population levels. Therefore, even though the NMFS expects some low level of incidental take to occur due to these actions, the best scientific and commercial data available are not sufficient to enable NMFS to estimate a specific amount of incidental take to the species themselves.

The incidental take statement in the LRMP/RMP opinion provided reasonable and prudent measures and terms and conditions to avoid or minimize the take of listed salmonids from actions involving road construction (pages 65 and 70-72) and beneficial actions such as culvert replacement upgrades (pages 64-65 and 70) that may be applied to site-specific actions if appropriate. According to the procedural expectations of that programmatic biological opinion (LRMP/RMP Opinion), the Umpqua Level 1 team discussed the subject actions on the Coos Bay BLM District at a meeting in Roseburg, Oregon on July 10, 1997 . The Level 1 team found that the subject actions are

consistent with LRMP/RMP standards and guidelines and Aquatic Conservation Strategy objectives and therefore found that reasonable and prudent measure #4 through #8, and corresponding terms and conditions regarding road construction and culvert replacement upgrades in the LRMP/RMP Opinion are appropriate for these activities.

The NMFS hereby applies the findings, reasonable and prudent measures, and terms and conditions set forth in the Incidental Take Statement of the programmatic LRMP/RMP Opinion (NMFS 1997b) to these site-specific road construction and culvert replacement upgrade actions. Copies of the incidental take provisions of the LRMP/RMP Opinion are Attachment 3 to this letter.

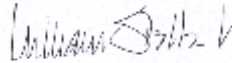
To the minimal extent that incidental take may result from the non-road construction aspects of these subject timber sales, NMFS finds that it is appropriate to prescribe reasonable and prudent measures, with terms and conditions, to further minimize or avoid such incidental take. Based on the effects analysis presented in NMFS 1997a, Attachment 2, NMFS finds that the measures, terms, and conditions proposed in that document are appropriate for these timber sales. Therefore, NMFS further authorizes such minimal incidental take provided the BLM and their applicants comply with those measures, terms, and conditions.

For the noxious weed control and ERFO road repair actions, the Level 1 team found that incidental take of listed salmonids resulting from these actions has been adequately minimized by project design. Thus no reasonable and prudent measures in addition to project requirements are necessary in this opinion for these actions. The Level 1 team also agreed that these actions are consistent with the Aquatic Conservation Strategy objectives

Reinitiation of consultation is required if: (1) the amount or extent of taking specified in the incidental take statement, above, is exceeded, (2) the action is modified in a way that causes an effect on the listed species that was not previously considered in the BA and this biological opinion; (3) new information or project monitoring reveals effects of the action that may affect listed species in a way not previously considered; or (4) a new species is listed or critical habitat is designated that may be affected by the action (50 CFR 402.16).

Questions regarding consultation and conferencing on these actions should be directed to Ron Lindland at 503-231-2315.

Sincerely,

A handwritten signature in dark ink, appearing to read "William Stelle, Jr.", is positioned above the typed name.

William Stelle, Jr.
Regional Administrator

Attachments

cc: B. Hudson - Coos Bay BLM

Table 1. Actions proposed by the Coos Bay BLM District which are covered by this Opinion.

<u>Mainstem Umpqua Resource Area</u>
Sagaberd Timber Sale Cedar House Timber Sale Culvert Replacement Noxious Weed Control (Aerial Application) ERFO Road Damage Repair
<u>Smith River Resource Area</u>
Culvert Replacement Noxious Weed Control (Aerial Application)

References

National Marine Fisheries Service (NMFS). 1997a. The potential effects of timber harvest and associated activities on salmonid habitat and measures to minimize those effects. July .

National Marine Fisheries Service (NMFS). 1997b. Biological Opinion and Conference Opinion on Implementation of Land and Resource Management Plans (USFS) and Resource Management Plans (BLM) on the Oregon Coast. NMFS Northwest Region 7600 Sand Point Way, NE Bin C15700, Bldg. 1, Seattle, Washington 98115. Biological Opinion and three attachments. March 18.